

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PETER A. LINDAHL,

Petitioner,

v.

STAFFORD CREEK CORRECTIONS  
CENTER,

Respondent.

No. C10-5274 BHS/KLS

ORDER TO AMEND

This habeas corpus petition has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Petitioner Peter A. Lindahl seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. Dkt. 1-2.

Mr. Lindahl has failed to name the correct Respondent, thereby depriving this Court of personal jurisdiction. *United States v. Giddings*, 740 F.2d 770, 772 (9th Cir. 1984). 28 U.S.C. § 2243 requires that writs are to be directed “to the person having custody of the person detained.” The proper respondent in a federal habeas corpus petition is the petitioner’s “immediate custodian.” *Demjanjuk v. Meese*, 784 F.2d 1114, 1115 (D.C.Cir. 1986). A custodian “is the person having a day-to-day control over the prisoner. That person is the only one who can produce ‘the body’ of the petitioner.” *Guerra v. Meese*, 786 F.2d 414, 416 (D.C.Cir. 1986).

Therefore, Mr. Lindahl’s custodian for purposes of his habeas corpus petition challenging the execution of his Washington state sentence, is the warden/superintendent of the prison where

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1 he is currently confined. See, e.g., *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992);  
2 *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). According to his petition, Mr. Lindahl is  
3 currently confined at the Stafford Creeks Correction Center (SCCC) in Aberdeen, Washington.  
4 The warden of SCCC is Patrick R. Glebe.

5 Accordingly, it is **ORDERED**:

6 (1) Mr. Lindahl shall amend his petition to name Patrick R. Glebe as Respondent.  
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8 Mr. Lindahl may amend his petition by correcting the first page only and providing the Court  
9 with two copies of the amended first page reflecting the properly named Respondent. Mr.  
10 Lindahl shall provide the court with two copies of the amended first page of his petition **on or**  
11 **before May 24, 2010.**

12 (2) The Court Clerk is directed to send a copy of this Order and a form 28 U.S.C. §  
13 2254 petition to Mr. Lindahl and to note this matter for the Court's **May 24, 2010** calendar.  
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15  
16 DATED this 29th day of April, 2010.

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18 Karen L. Strombom  
19 United States Magistrate Judge  
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